

GUIDELINES FOR PUBLIC ACCESS TO RECORDS/REPRODUCTION FEES

These guidelines are intended for the use of department managers, elected officials and Town employees and relate to the public examination of public records and the fees to be charged for reproducing said records.

Definitions of "Public Record"

"Public record" is information of any kind owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by any public body, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced.

Excluded from this definition are:

1. Any personnel, medical or pupil file, the disclosure of which would constitute an invasion of personal privacy, under this legislation or under any State or federal law as it relates to personal privacy;
2. Trade secrets and commercial or financial information obtained from a person which is of a privileged or confidential nature;
3. Investigatory files compiled for civil or criminal law enforcement purposes including pending investigative files, pretrial and presentence investigative files, pretrial and presentence investigations and child custody and adoption files where there is no criminal complaint at issue;
4. Criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy. Any person may, upon proof of identity, obtain a copy of his personal criminal record. All other criminal records and files are closed to public scrutiny. Agencies holding such criminal records may delete any information, before release, which would disclose the names of witnesses, intelligence personnel and aids or any other information of a privileged and confidential nature;

5. Intelligence files compiled for law enforcement purposes, the disclosure of which could constitute an endangerment to the local, state or national welfare and security;
6. Any records specifically exempted from public disclosure by statute or common law;
7. Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to said contribution by the contributor;
8. Any records involving labor negotiations or collective bargaining;
9. Any records pertaining to pending or potential litigation which are not records of any court;
10. Subject to subsection (f) of ss. 10004 of this title with respect to release of minutes of executive sessions, any record of discussions held in executive sessions pursuant to subsections (b) and (c) of ss. 10004 of this title.
11. Any records which disclose the identity or address of any person holding a permit to carry a concealed deadly weapon; provided, however, all records relating to such permits shall be available to all bona fide law enforcement officers; or
12. Any records of a public library which contain the identity of a user and the books, documents, films, recordings or other property of the library which a patron has used.
13. Any records in the possession of the Department of Correction where disclosure is sought by an inmate in the Department's custody.

Examination of Public Records

Protection of original documents is of paramount importance. Custodians shall take every reasonable precaution to ensure documents are not removed or altered.

Examination of original records shall be supervised unless the department manager has provided previous written permission. If supervision is not possible, then copies of documents shall be provided at requester's expense.

The custodian shall ask for a written request and have the individual state their specific requirements, enclosure (1). The custodian shall retain the request forms as actions taken. These records will be retained in a departmental file. Requests that are denied shall be forwarded to the Town Manager for review.

As defined above, public records are open to examination by any citizen of the State during regular business hours of the Town office, department or employee who has the custodial responsibility of said records.

Reasonable access to said records shall not be denied. If a public record is in active use or in storage at the time it is requested for examination, the citizen shall be so informed and an offer shall be extended to schedule a time as expediently as possible when said records may be examined. Appropriate accommodations shall be provided during said examination.

Fees for Copying Public Records

Public records take many forms and include but are not limited to:

1. Printed, typed or written material
2. Drawings, plots, plats and maps
3. Magnetic tapes of recorded oral dialogue
4. Computer-stored information
5. Microfilm
6. Transcripts
7. Published documents

- 1) Printed. Typed or Written Material

The cost per page for paper copies of public records up to 11 x 17 in size shall be \$. 25 each for up to and including 100 copies and \$.10 each for all copies in excess of 100 copies or actual cost, whichever is more.

The minimum fee of \$1.00 shall be charged per request.

Two-sided copies shall be counted as two copies.

- 2) Drawings, Plots, Plats and Maps

To the extent that Town equipment permits the reproduction of said document, the fees for each single copy shall be as follows:

Plots/plats/maps no larger than 11" x 17"	3.00
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The Town does not have the capability to copy documents larger than 11" x 17". Arrangements can be made for such copies with the Town Engineer with applicant paying the expense.

- 3) Magnetic Tapes of Recorded Oral Dialogue

If requested, individuals may listen to recorded oral dialogue. Proper supervision must be ensured in order to protect the material from damage or loss. No tapes will be copied for or by staff or other persons without

the written authorization of the Town Manager. If transcripts are requested, then the procedures listed in paragraph 5 shall be followed, or actual cost, whichever is more.

4) Computer Tapes of Stored Information

The fee to produce computer generated paper copies of computer-stored information shall be based on the amount of machine operating time necessary to produce the copy and shall be calculated at the rate of \$60.00 per hour. The minimum charge shall be \$15.00 or actual cost, whichever is more.

If computer programming is required, the fee shall be calculated at the rate of \$60.00 per hour and the minimum charge shall be \$60. The fee for computer programming is separate from and in addition to the charge for machine operating time.

If computer-stored information is requested to be transferred to floppy diskettes, the customer must supply them in either 3 1/2", 5 1/4" or 8" magnetic tape sizes. The fee shall be calculated at \$60.00 per hour. The minimum charge shall be \$15.00 or actual cost, whichever is more.

5) Transcripts

If magnetic tapes are available, a typed verbatim transcript of meetings and/or hearings will be made upon written request. The cost of one copy of a transcript shall be at the rate of \$1.00 per typed page (double spaced) plus the hourly rate of pay of the employee or court reporter preparing the transcript multiplied by the time necessary to complete the transcript. Additional copies may be purchased at the rates charged for printed, typed or written material (see No. 1 above) or actual cost, whichever is more.

6) Published Documents

From time-to-time, a flat document fee is established for the purchase of certain publications of the Town. Examples are the Zoning ordinance, Subdivision Regulations, Building Code & Supplement, etc. The cost for copies of portions of such documents shall be as stated in No. 1 above. The cost of purchase of the complete publication shall be in accordance with the fee established at the time of publication or actual cost, whichever is more.

7) Preparation Fees

In addition to fees as listed in 1) through 6) , there shall be a research and preparation fee charged. This fee shall be based on the hourly wage plus benefits (with a one-hour minimum) of the employee who prepares the information.

Exceptions

No cost shall be charged for material which has been exempted by Town of Smyrna directive.

The fees charged by certain Town of Smyrna offices for reproducing public records have been established by adopted Town ordinance or by order of the State Courts. In these cases, the ordinance or court order shall take precedence over the fees and charges contained herein.

Where a reciprocal agreement has been reached between the Town and a non-Town end-user to share information, said agreement shall govern the cost of reproduction. No charges for Town of Smyrna public office candidates.

REQUEST FOR INFORMATION

This form is provided for your convenience and to assist the staff in meeting your request for information retained by the Town of Smyrna. Your request will be reviewed upon submission and we will provide assistance in the most expeditious manner.

Please be as precise as possible in completing the request form. Once the form is submitted, the request will be reviewed for the following:

- a. All required information is provided
- b. Expense to applicant
- c. Estimated time to complete action

The staff member serving you will gauge the length of time required to provide the data.

1. Date of request:_____

2. Applicant's name:_____

3. Applicant's address:_____

4. Applicant's phone number:_____

5. RECORD INFORMATION --- Original date:_____

6. Originator's name:_____

7. Other identifying features:_____

8. Circle one: Letter Report Map Transcription Tape

9. Time and date that I am available to review:_____

I request a copy for pick up (____) or request copy be mailed to me (____)

10. Please provide my request not later than (____/____/____)

11. Signature of applicant:_____

STAFF ACTION REGARDING REQUEST FOR INFORMATION

Date request received:_____

Received by:_____

Department:_____

Estimated location of document:_____

When can information be provided:_____

(estimate)

Cost of providing data:_____

Deposit received:_____

(amount)

Comments:

Ensure document is not restricted by State Code. Documents related to individual personnel records, investigation files, information collected for purposes of enforcement, legal documents marked "privileged and confidential" and similar data should be reviewed by department managers as a minimum step before being released.

Date information provided:_____

Provided by:_____

Department:_____

Actual location of document:_____

Total funds collected:_____

Comments:_____

(Form to be retained by department)